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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/667,362	09/23/2003	Daisuke Imanari	HOS-68	9200
35777	7590	06/16/2005	EXAMINER	
SHERMAN & SHALLOWAY 415 NORTH ALFRED STREET ALEXANDRIA, VA 22314			KUHNS, ALLAN R	
			ART UNIT	PAPER NUMBER
			1732	

DATE MAILED: 06/16/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

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Office Action Summary

Application No.

10/667,362

Applicant(s)

IMANARI ET AL.

Examiner

Allan Kuhns

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 15 April 2005.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-12 is/are pending in the application.
- 4a) Of the above claim(s) 1-3 and 8 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 4-7 and 9-12 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 092303, 070204, 9 041505
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

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1.Applicant's election with traverse of Group II, claims 4-7 and 9-12 in the reply filed on April 15, 2005 is acknowledged. The traversal is on the ground(s) that the claims of Groups I and II share the same limitations. This is not found persuasive because these groups do not share the same limitations in that the claims of Group II require a particular manipulative step (i.e., extrusion).

The requirement is still deemed proper and is therefore made FINAL.

2.Claims 1-3 and 8 are withdrawn from further consideration pursuant to 37 CFR 1.142(b), as being drawn to a nonelected invention, there being no allowable generic or linking claim. Applicant timely traversed the restriction (election) requirement in the reply filed on April 15, 2005.

3.Claims 4-7 and 9-12 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. These claims are indefinite because they recite a melt tension and melt flow rate without an accompanying temperature.

Clarification is required.

4.The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5.Claims 4-7 and 9-12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Gokuraku et al. (6,432,525). Gokuraku et al. disclose or suggest the

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basic claimed process for the production of a propylene resin hollow molded foam article in which a cylindrical foam having a foam layer is formed by extruding from a die a foamable molten resin comprising a base resin containing a foaming agent, and then placing the cylindrical foam in a mold while in a softened state. Gokuraku et al. appear not to state that the mold is metal, but the examiner takes Official Notice that it is known to shape parisons in a metal mold.

Gokuraku et al. teach or suggest the use of a base resin having the melt tension and melt flow rate characteristics of at least one of (i) – (iv) at column 2, lines 52-60, coupled with the teaching at column 7, lines 56-57 that an “ordinary polypropylene resin” can be added. It is submitted that such “ordinary polypropylene resin” inherently possesses physical properties which meet the limitations of resin (b) in (i) – (iv). It is believed that 1 mN is equivalent to about 0.1 gf (Gokuraku et al. report melt tension in gf units).

Gokuraku et al. teach co-extrusion, as in claim 5, at column 11, lines 30-38 and suggest the aspect of a non-foamed layer at column 5, line 55. Gokuraku et al. teach the aspect of blowing gas into the foam interior, as in claims 6 and 9, at column 14, lines 19-24. Gokuraku et al. also teach the aspect of using carbon dioxide as foaming agent, as in claims 7 and 10-12, at column 9, lines 41-42.

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Allan Kuhns whose telephone number is (571) 272-1202. The examiner can normally be reached on Monday to Thursday from 7:00 to 5:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Michael Colaianni, can be reached on (571) 272-1196. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



ALLAN R. KUHNS
PRIMARY EXAMINER AU 1732

6-9-05